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8  
9 **A BILL**

10  
11 **H.4833 is amended by striking all and inserting:**

12  
13 / SECTION 1. This act must be known and may be cited  
14 as the “South Carolina Higher Education Governance Act”.

15  
16 SECTION 2. Article 1, Chapter 103, Title 59 of the  
17 1976 Code is amended by adding:

18  
19 “Section 59-103-21. (A) A new program may not  
20 be undertaken by a state-supported institution of higher learning  
21 without the approval of the commission or the General Assembly.

22 (B) The commission may recommend the termination  
23 of an existing program at an institution within the purview of this  
24 chapter, and shall submit program termination recommendations to  
25 the Senate Education Committee and the House Education and  
26 Public Works Committee no later than the second Tuesday in  
27 January of each year. An appeal of this recommendation must be  
28 made by the governing board of an affected institution within sixty  
29 days to the Senate Education Committee and the House Education  
30 and Public Works Committee, which shall hear the parties to the  
31 appeal. If the committees concur in the recommendation for  
32 termination, the program must be terminated at a time to be  
33 determined by the commission. The committees shall reach a  
34 decision within one hundred and twenty days after the date of the  
35 filing of the appeal or the decision of the commission prevails.

36 (C) The commission shall develop and maintain  
37 policies and procedures for the approval of new programs and  
38 termination of existing programs.”

39  
40 SECTION 3. Section 2-47-40(A) and (B), as last  
41 amended by Act 121 of 2014, is further amended to read:  
42

1           “(A) To assist the authority and the Joint Bond Review  
2 Committee in carrying out their respective responsibilities, any  
3 agency or institution requesting or receiving funds from any source  
4 for use in the financing of any permanent improvement project, as  
5 a minimum, shall provide to the authority, in such form and at such  
6 times as the authority, after review by the committee, may  
7 prescribe:

- 8                   (1) a complete description of the proposed  
9 project;
- 10                  (2) a statement of justification for the  
11 proposed project;
- 12                  (3) a statement of the purposes and intended  
13 uses of the proposed project;
- 14                  (4) the estimated total cost of the proposed  
15 project;
- 16                  (5) an estimate of the additional future annual  
17 operating costs associated with the proposed project;
- 18                  (6) a statement of the expected impact of the  
19 proposed project on the five-year operating plan of the agency or  
20 institution proposing the project; and
- 21                  (7) a proposed plan of financing the project,  
22 specifically identifying funds proposed from sources other than  
23 capital improvement bond authorizations; and
- 24                  ~~(8) the specification of the priority of each~~  
25 ~~project among those proposed.~~

26           (B)~~(1)~~ All institutions of higher learning shall submit  
27 permanent improvement project proposal and justification  
28 statements to the authority, ~~through the~~ Commission on Higher  
29 Education, which shall forward all such statements and all  
30 supporting documentation received to the authority together with  
31 its comments and recommendations. ~~The recommendations of the~~  
32 ~~Commission on Higher Education, among other things, shall~~  
33 ~~include all of the permanent improvement projects requested by~~  
34 ~~the several institutions listed in the order of priority deemed~~  
35 ~~appropriate by the Commission on Higher Education without~~  
36 ~~regard to the sources of funds proposed for the financing of the~~  
37 ~~projects requested.~~

38                   (2) The authority shall forward a copy of each  
39 project proposal and justification statement and supporting  
40 documentation received together with the authority’s  
41 recommendations on such projects to the committee for its review  
42 and action. The recommendations of the Commission on Higher

1 Education shall be included in the materials forwarded to the  
2 committee by the authority.”

3  
4 SECTION 4. Section 8-17-380 of the 1976 Code is  
5 amended to read:

6  
7 “Section 8-17-380. (A) With respect to the  
8 teaching and research faculty, professional librarians, academic  
9 administrators, and all other persons holding faculty appointments  
10 at any post-secondary educational institutions described in ~~item~~  
11 ~~(10)~~ of Section 8-17-370(10), each such institution, subject to the  
12 approval of the Director of the Department of Administration or its  
13 designee ~~and the Commission on Higher Education~~, shall establish  
14 in writing:

15 (a1) a performance appraisal procedure which  
16 shall assure:

17 (1a) annual review and evaluation of  
18 such employees;

19 (2b) written findings;

20 (3c) review of evaluations with each

21 covered employee; and

22 (4d) retention of performance  
23 appraisals and written comments of such employee, if any, in a  
24 permanent file with right of full disclosure to the employee.; and

25 (b2) a grievance procedure which ~~shall~~ must at  
26 an appropriate stage provide a hearing for such employees before  
27 an individual or committee designated for such purposes, at which  
28 the employee shall have the right to representation by counsel and  
29 the opportunity to present evidence in his behalf. Any such  
30 procedure shall include the right of the employee to appeal the  
31 post-hearing decision to the governing board of the institution, or a  
32 committee designated by the board for this purpose, such appeal to  
33 be limited to the record of the hearing. Discrimination in  
34 compensation, promotion, and work assignment shall be subjects  
35 for consideration by such grievance procedure. Dismissal of  
36 tenured or other permanent employees and dismissal prior to the  
37 end of an employment contract term ~~shall be only~~ must be for  
38 cause, and ~~shall be~~ is subject for consideration by such grievance  
39 procedure. The granting or the failure to grant tenured status to  
40 such employees or nonrenewal of employment contracts at the end  
41 of the contract term shall not be subjects for consideration by such  
42 grievance procedure.

1           (B)     The grievance and performance appraisal  
2 procedure provided for herein ~~shall~~ must be submitted to the  
3 Department of Administration or its designee ~~and the Commission~~  
4 ~~on Higher Education~~ for approval within six months after the  
5 establishment of any a new institution.”

6  
7 SECTION     5.       Section 59-53-40 of the 1976 Code is  
8 amended to read:

9  
10           “Section 59-53-40.     The board and local area  
11 commissions shall insure effective coordination with the public  
12 schools, other state agencies, literary councils, and private and  
13 nonprofit training organizations to maximize opportunities to best  
14 meet local education and training needs. The board shall maintain  
15 effective coordination with the Commission on Higher Education  
16 and other educational boards and state agencies.

17           ~~The Board is required to submit to the Commission on~~  
18 ~~Higher Education a budget and enrollment documentation for all~~  
19 ~~existing and proposed college parallel courses or associate degree~~  
20 ~~programs with college transfer credit by institutional location for~~  
21 ~~review and comment prior to submission of the Board’s total state~~  
22 ~~budget request to the Governor.~~

23           ~~———All college parallel courses or associate degree programs~~  
24 ~~are subject to the approval or termination by the Commission on~~  
25 ~~Higher Education.”~~

26  
27 SECTION     6.       Section 59-59-190(A) of the 1976 Code,  
28 as last amended by Act 149 of 2014, is further amended to read:

29  
30           “(A)     The South Carolina Department of Employment  
31 and Workforce, ~~in collaboration with~~ shall assist the State Board  
32 for Technical and Comprehensive Education ~~and the Commission~~  
33 ~~on Higher Education, shall assist,~~ the Department of Education,  
34 and the Commission on Higher Education in planning and  
35 promoting the career information and employment options and  
36 preparation programs provided for in this chapter by:

37                   (1)     identifying potential employers to  
38 participate in the career-oriented learning programs;

39                   (2)     serving as a contact point for employees  
40 seeking career information and training;

41                   (3)     providing labor market information  
42 including, but not limited to, supply and demand;

1 (4) promoting increased career awareness and  
2 career counseling through the management and promotion of the  
3 South Carolina Occupational Information System;  
4 (5) collaborating with local agencies and  
5 businesses to stimulate funds; and  
6 (6) cooperating in the creation and  
7 coordination of workforce education programs.”  
8

9 SECTION 7. Section 59-59-210 of the 1976 Code, as  
10 added by Act 88 of 2005, is amended to read:  
11

12 “Section 59-59-210. (A) ~~By September 2005, the~~  
13 ~~Commission on Higher Education shall convene the Advisory~~  
14 ~~Committee on Academic Programs to address articulation~~  
15 ~~agreements between school districts and public institutions of~~  
16 ~~higher education in South Carolina to provide seamless pathways~~  
17 ~~for adequately prepared students to move from high school directly~~  
18 ~~into institutions of higher education. The committee shall review,~~  
19 ~~revise, and recommend secondary to postsecondary articulation~~  
20 ~~agreements and promote the development of measures to certify~~  
21 ~~equivalency in content and rigor for all courses included in~~  
22 ~~articulation agreements. The advisory committee shall include~~  
23 ~~representatives from the research institutions, four-year~~  
24 ~~comprehensive teaching institutions, two-year regional campuses,~~  
25 ~~and technical colleges. The committee, for purposes pursuant to~~  
26 ~~this chapter, shall include representation from the State~~  
27 ~~Department of Education, and school district administrators, to~~  
28 ~~include curriculum coordinators and guidance personnel.~~

29 ~~—(B) By July 2006, the Advisory Committee on~~  
30 ~~Academic Programs shall make recommendations to the~~  
31 ~~Commission on Higher Education regarding coursework that is~~  
32 ~~acceptable statewide for dual enrollment to be accepted in transfer~~  
33 ~~within a related course of study. Dual enrollment college courses~~  
34 ~~offered to high school students by two-year and four-year colleges~~  
35 ~~and universities must be equivalent in content and rigor to the~~  
36 ~~equivalent college courses offered to college students and taught~~  
37 ~~by appropriately credentialed faculty. Related policies and~~  
38 ~~procedures established by the Commission on Higher Education~~  
39 ~~for dual enrollment and guidelines for offering dual enrollment~~  
40 ~~coursework and articulation to two-year and four-year colleges and~~  
41 ~~universities for awarding of credit must be followed.~~

42 ~~(C)~~ The advisory committee Commission on Higher  
43 Education, in collaboration with the Department of Education,

1 shall coordinate work to study the content and rigor of high school  
2 courses in order to provide a seamless pathway to postsecondary  
3 education.

4 ~~(D) — The Commission on Higher Education shall report~~  
5 ~~annually to the Education and Economic Development~~  
6 ~~Coordinating Council regarding the committee's progress."~~

8 SECTION 8. Section 59-101-345 of the 1976 Code is  
9 amended to read:

10  
11 "Section 59-101-345. ~~In instances where the equal~~  
12 ~~division of the appropriated funds between need-based grants and~~  
13 ~~the Palmetto Fellows Program exceeds the capacity to make~~  
14 ~~awards in either program, the Commission on Higher Education~~  
15 ~~has the authority to reallocate the remaining funds between the two~~  
16 ~~programs.~~ Public and independent higher education institutions  
17 must give first priority for need-based grants to children and young  
18 adults in the custody of the State Department of Social Services.  
19 Institutions and the Commission on Higher Education shall accept  
20 written verification from the Department of Social Services that  
21 the child or young adult is in the custody of the Department of  
22 Social Services, and must provide the maximum amount allowed  
23 by law for that need-based grant."

25 SECTION 9. Section 59-101-190 of the 1976 Code is  
26 amended to read:

28 "Section 59-101-190. (A) There is created a Deans'  
29 Committee on Medical Education consisting of nine members as  
30 follows:

- 31 (1) President, University of South Carolina or his  
32 designee;  
33 (2) President, Medical University of South Carolina or  
34 his designee;  
35 (3) Dean or acting dean, School of Medicine,  
36 University of South Carolina;  
37 (4) Dean or acting dean, School of Medicine, Medical  
38 University of South Carolina;  
39 (5) two members appointed by the Commission on  
40 Higher Education, one of whom must be a physician with  
41 experience in medical education and one of whom must be a  
42 representative of the business community; and

1 (6) three members of the Area Health Education  
2 Consortium medical education director's committee, who shall  
3 represent graduate medical education, to be appointed by the  
4 Commission on Higher Education.

5 (B)(1) The terms of the members selected under ~~items~~  
6 ~~subsection (A)(5) and (6) above shall be~~ are for four years and  
7 until their successors are appointed and qualify. In making these  
8 appointments, the Commission on Higher Education, to the extent  
9 possible, shall ensure geographic representation of all regions of  
10 the State.

11 (2) Vacancies ~~shall~~ must be filled in the  
12 manner of original appointment.

13 (C) The Deans' Committee on Medical Education also  
14 may also contain nonvoting members invited to attend meetings by  
15 the committee on an ad hoc basis. The chairmanship of the deans'  
16 committee ~~shall~~ must alternate between the Dean of the School of  
17 Medicine of the University of South Carolina and the Dean of the  
18 College of Medicine of the Medical University of South Carolina.  
19 The term of the chairman ~~shall be~~ is two years, and the committee  
20 at its first meeting after the effective date of this provision shall  
21 determine by majority vote the person who will first serve as  
22 chairman. Meetings shall must be held ~~at least quarterly during~~  
23 ~~each year at the call of the chair and not less than annually.~~

24 (D) The purpose of the committee is to ensure and  
25 coordinate the development and implementation of a strategic plan  
26 for effective and efficient medical education, research, and related  
27 clinical service programs to best meet the needs of the State of  
28 South Carolina. Adoption of the strategic plan ~~shall require~~  
29 requires at least one vote of a member representing USC and  
30 MUSC and a total of at least seven votes of the entire committee.  
31 Any A strategic plan approved by the deans' committee also must  
32 be approved by the Commission on Higher Education if it contains  
33 any proposal for the consolidation, elimination, or change of  
34 medical education programs.

35 (E) The committee shall report to the Commission on  
36 Higher Education through the commission's Committee on  
37 Academic Affairs. The deans' committee shall provide oversight  
38 of the Area Health Education Consortium and the consortium of  
39 teaching hospitals by reviewing and approving its strategic plan  
40 and budget. The Commission on Higher Education shall furnish  
41 adequate meeting space and professional and secretarial assistance  
42 for the committee."  
43

1 SECTION 10. Section 59-101-350 (B) and (C) of the  
2 1976 Code is amended to read:  
3  
4 “(B) Each four-year, post-secondary institution shall  
5 submit to the commission the following information for inclusion  
6 in the report, with the South Carolina Department of Corrections’  
7 students identified and reported separately:  
8 (1) the number and percentage of accredited  
9 programs and the number and percentage of programs eligible for  
10 accreditation;  
11 (2) the number and percentage of  
12 undergraduate and graduate students who completed their degree  
13 program;  
14 (3) the percent of lower division instructional  
15 courses taught by full-time faculty, part-time faculty, and graduate  
16 assistants;  
17 ~~(4) the percent and number of students~~  
18 ~~enrolled in remedial courses and the number of students exiting~~  
19 ~~remedial courses and successfully completing entry level~~  
20 ~~curriculum courses;~~  
21 ~~(5) the percent of graduate and upper division~~  
22 ~~undergraduate students participating in sponsored research~~  
23 ~~programs;~~  
24 ~~(65) placement data on graduates;~~  
25 ~~(76) the percent change in the enrollment rate~~  
26 ~~of students from minority groups and the change in the total~~  
27 ~~number of minority students enrolled over the past five years;~~  
28 ~~(87) the percent of graduate students who~~  
29 ~~received undergraduate degrees at the institution, within the State,~~  
30 ~~within the United States, and from other nations;~~  
31 ~~(98) the number of full-time students who have~~  
32 ~~transferred from a two-year, post-secondary institution and the~~  
33 ~~number of full-time students who have transferred to two-year,~~  
34 ~~post-secondary institutions;~~  
35 ~~(409) student scores on professional~~  
36 ~~examinations with detailed information on state and national~~  
37 ~~means, passing scores, and pass rates, as available, and with~~  
38 ~~information on such scores over time, and the number of students~~  
39 ~~taking each exam;~~  
40 ~~(4410) assessment information for the~~  
41 ~~institution’s Title II of the federal Higher Education Act of 1998~~  
42 ~~report that collects and analyzes data on applicant qualifications~~  
43 ~~and the performance of the candidates and graduates;~~



1                   (1211) appropriate information relating to each  
2 institution's role and mission to include policies and procedures to  
3 ensure that academic programs support the economic development  
4 needs in the State by providing a technologically skilled  
5 workforce; and

6                   (1312) any information required by the  
7 commission in order for it to measure and determine the  
8 institution's standard of achievement in regard to the performance  
9 indicators for quality academic success enumerated in Section  
10 59-103-30.

11           (C)     Each two-year, post-secondary institution shall  
12 submit to the commission the following information for inclusion  
13 in the report:

14                   (1)     the number and percentage of accredited  
15 programs and the number and percentage of programs eligible for  
16 accreditation;

17                   (2)     the number and percentage of  
18 undergraduate students who completed their degree program;

19                   (3)     the percent of courses taught by full-time  
20 faculty members, part-time faculty, and graduate assistants;

21                   (4)     placement rate on graduates;

22                   (5)     the percent change in the enrollment rate  
23 of students from minority groups, the number of minority students  
24 enrolled, and the change in the total number of minority students  
25 enrolled over the past five years;

26                   (6)     the number of students who have  
27 transferred into a four-year, post- secondary institution and the  
28 number of students who have transferred from four-year,  
29 post-secondary institutions;

30                   (7)     appropriate information relating to the  
31 institution's role and mission to include policies and procedures to  
32 ensure that academic programs support the economic development  
33 needs in the State by providing a technologically skilled  
34 workforce;

35                   (8)     any information required by the  
36 commission in order for it to measure and determine the  
37 institution's standard of achievement in regard to the performance  
38 indicators for quality academic success enumerated in Section  
39 59-103-30; and

40                   (9)     the percent and number of students  
41 enrolled in remedial courses and the number of students exiting  
42 remedial courses and successfully completing entry-level  
43 curriculum courses."

1  
2 SECTION 11. Section 59-103-10 of the 1976 Code is  
3 amended to read:

4  
5 “Section 59-103-10. (A) There is created the State  
6 Commission on Higher Education. The commission ~~shall~~ must  
7 consist of ~~fifteen~~ sixteen members appointed by the Governor. The  
8 membership must consist of one at-large member to serve as  
9 chairman, one representative from each of the congressional  
10 districts, three members appointed from the State at large, three  
11 representatives of the public colleges and universities, and one  
12 representative of the independent colleges and universities of  
13 South Carolina, and the State Superintendent of education or his  
14 designee.

15 (B) The membership of the Commission on Higher  
16 Education must be as follows:

17 (1) Ten members, seven to represent each of  
18 the congressional districts of this State appointed by the Governor  
19 upon the recommendation of a majority of the senators and a  
20 majority of the members of the House of Representatives  
21 comprising the legislative delegation from the district and three  
22 members appointed from the State at large upon the advice and  
23 consent of the Senate. Each representative of a congressional  
24 district must be a resident of the congressional district he  
25 represents. In order to qualify for appointment, the representatives  
26 from the congressional districts and those appointed at large must  
27 have experience in at least one of the following areas: business, the  
28 education of future leaders and teachers, management, or policy. A  
29 member representing the congressional districts or appointed at  
30 large must not have been, during the succeeding five years, a  
31 member of a governing body of a public institution of higher  
32 learning in this State and must not be employed or have immediate  
33 family members employed by any of the public colleges and  
34 universities of this State. These members must be appointed for  
35 terms of four years and shall ~~not serve on the commission for more~~  
36 ~~than two consecutive terms. However, the initial term of office for~~  
37 ~~a member appointed from an even-numbered congressional district~~  
38 ~~shall be two years.~~ If the boundaries of the congressional districts  
39 are changed, members serving on the commission shall continue to  
40 serve until the expiration of their current terms, but successors to  
41 members whose terms expire must be appointed from the newly  
42 defined congressional districts. If a congressional district is added,

1 the commission must be enlarged to include a representative from  
2 that district.

3 (2) Three members to serve ex officio to  
4 represent the public colleges and universities appointed by the  
5 Governor with the advice and consent of the Senate. It shall not be  
6 a conflict of interest for any voting ex officio member to vote on  
7 matters pertaining to their individual college or university. One  
8 member must be serving on the board of trustees of one of the  
9 public senior research institutions, one member must be serving on  
10 the board of trustees of one of the four-year public institutions of  
11 higher learning, and one member must be a member of one of the  
12 local area technical education commissions or the State Board for  
13 Technical and Comprehensive Education to represent the State  
14 Board for Technical and Comprehensive Education. These  
15 members must be appointed to serve terms of two years with terms  
16 to rotate among the institutions.

17 (3) One ex officio member to represent the  
18 independent colleges and universities by the Governor upon the  
19 advice and consent of the Senate. The individual appointed must  
20 be serving as ~~a member of the Advisory Council of Private College~~  
21 Presidents the president of an independent college, or his designee.  
22 This member must be appointed for a term of two years and shall  
23 serve as a nonvoting member.

24 (4) One at-large member to serve as chairman  
25 appointed by the Governor with the advice and consent of the  
26 Senate. This member must be appointed for a term of four years  
27 and may be reappointed for one additional term; however, he may  
28 serve only one term as chairman.

29 (5) The State Superintendent of Education, or  
30 his designee, who must serve coterminous with the superintendent.

31 (C) The Governor, by his appointments, shall assure  
32 that various economic interests and minority groups, especially  
33 women and blacks, are fairly represented on the commission and  
34 shall attempt to assure that the graduates of no one public or  
35 private college or technical college are dominant on the  
36 commission.

37 (D) ~~Vacancies~~ A vacancy must be filled in the manner  
38 of the original appointment for the unexpired portion of the term.

39 (E) ~~All members~~ A member of the commission shall  
40 serve until their successors are his successor is appointed and  
41 qualify qualified."

42

1 SECTION 12. Section 59-103-35 of the 1976 Code is  
2 amended to read:

3  
4 “Section 59-103-35. All public institutions of higher  
5 learning shall submit annual budget requests to the commission in  
6 the manner set forth in this section. The State Board for Technical  
7 and Comprehensive Education shall submit an annual budget  
8 request to the commission representing the total requests of all  
9 area-wide technical and comprehensive educational institutions.  
10 The Budget requests submitted to the commission by each  
11 institution and the State Board for Technical and Comprehensive  
12 Education must include all state funds, federal grants, tuition, and  
13 fees other than funds derived wholly from athletic or other student  
14 contests, from the activities of student organizations, from  
15 approved private practice plans, and from the operation of canteens  
16 and bookstores which may be retained by the institutions and be  
17 used as determined by the respective governing boards, subject to  
18 annual audit by the State. Such other financial information that  
19 may not be included in the initial budget requests must be  
20 submitted to the commission upon request by each institution and  
21 the State Board for Technical and Comprehensive Education. The  
22 commission annually shall communicate to the institutions and the  
23 State Board the date by which the budget requests must be  
24 submitted to the commission for review, and a report of the entities  
25 failing to meet this date must be submitted to the Chairmen of the  
26 Senate Finance, Senate Education, House Ways and Means, and  
27 House Education and Public Works Committees. Fees established  
28 by the respective governing boards for programs, activities, and  
29 projects not covered by appropriations or other revenues may be  
30 retained and used by each institution as previously determined by  
31 the respective governing boards, subject to annual audit by the  
32 State. Once approved, the budget request for the public higher  
33 education system ~~shall~~ must be submitted by the commission to the  
34 Governor and appropriate standing committees of the General  
35 Assembly in conjunction with the preparation of the annual general  
36 appropriations act for the applicable year.

37 ~~Supplemental appropriations requests from any public~~  
38 ~~institution of higher education must be submitted first to the~~  
39 ~~commission. If the commission does not concur in the requests, the~~  
40 ~~affected institution may request a hearing on the requests before~~  
41 ~~the appropriate committee of the General Assembly. The~~  
42 ~~commission may appear at the hearing and present its own~~  
43 ~~recommendations and findings to the same committee. The~~

1 provisions of this paragraph do not apply to any capital  
2 improvement projects funded in whole or in part prior to July 30,  
3 1996.

4 ——— No new program may be undertaken by any public  
5 institution of higher education without the approval of the  
6 commission. The provisions of this chapter apply to all college  
7 parallel, transferable, and associate degree programs of technical  
8 and comprehensive education institutions. All other programs and  
9 offerings of technical and comprehensive education institutions are  
10 excluded from this chapter.”

11  
12 SECTION 13. Section 59-103-40 of the 1976 Code is  
13 amended to read:

14  
15 “Section 59-103-40. The commission shall establish a  
16 council of presidents consisting of the presidents of the State  
17 institutions of higher learning. The council of presidents shall  
18 appoint a chairman and such other officers and committees as it  
19 may see fit. ~~It shall meet at least four times a year, of which two~~  
20 ~~meetings will be held jointly with the Commission. The council~~  
21 shall meet upon the call of the chair and shall meet at least once  
22 annually with the commission. The council of presidents shall  
23 establish committees consisting of qualified personnel representing  
24 the various State-supported institutions of higher learning, either  
25 upon request of the commission or upon its own initiative, to  
26 investigate, study and report to the commission on such subjects  
27 as:

- 28 (a~~1~~) academic planning;  
29 (b~~2~~) business and financial coordination; and  
30 (c~~3~~) library utilization and coordination.”

31  
32 SECTION 14. Section 59-103-45(3) of the 1976 Code is  
33 amended to read:

34  
35 “(3) ~~review~~ ensure minimum undergraduate admissions  
36 standards for in-state and out-of-state students;”

37  
38 SECTION 15. Section 59-103-60 of the 1976 Code is  
39 amended to read:

40  
41 “Section 59-103-60. The commission shall make such  
42 recommendations to the ~~Governor’s Office~~ of the Governor and  
43 the General Assembly as to policies, programs, curricula, facilities,

1 administration, and financing of all state-supported institutions of  
2 higher learning as may be considered desirable in the sole  
3 discretion of the commission. The House Ways and Means  
4 Committee, the Senate Finance Committee, and the Office of the  
5 Governor may refer to the commission for investigation, study, and  
6 report any requests of institutions of higher learning for new or  
7 additional appropriations for operating and for other purposes and  
8 for the establishment of new or expanded programs.”

9

10 SECTION 16. Section 59-103-80 of the 1976 Code is  
11 amended to read:

12

13 “Section 59-103-80. Funds for the necessary technical,  
14 administrative and clerical assistance and other expenses of the  
15 commission, including stationery, shall be carried in the annual  
16 appropriation act for the State. The members of the commission  
17 ~~shall~~ must be allowed such per diem and mileage as authorized by  
18 law for members of boards, commissions, and committees. ~~The~~  
19 ~~sum appropriated for the use of the commission shall be expended~~  
20 ~~upon warrants signed by the chairman.”~~

21

22 SECTION 17. Section 59-103-160 of the 1976 Code is  
23 amended to read:

24

25 “Section 59-103-160. (A) This section may be cited  
26 as the English Fluency in Higher Learning Act.

27 (B) The following words and phrases when used in  
28 this section have the meanings given to them unless the context  
29 clearly indicates otherwise:

30 ‘Instructional faculty’ means every member of a  
31 public institution of higher learning whose first language is not  
32 English, other than visiting faculty but including graduate teaching  
33 assistants, who teaches one or more undergraduate credit courses  
34 at a campus of that institution within this State except:

35 (1) courses that are designed to be  
36 taught predominately in a foreign language;

37 (2) student participatory and activity  
38 courses such as clinics, studios, and seminars;

39 (3) special arrangement courses such  
40 as individualized instruction and independent study courses; and

41 (4) continuing education courses.

42 (C) Each public institution of higher learning shall  
43 establish policies to:

1 (1) ensure that the instructional faculty whose  
2 second language is English possess adequate proficiency in both  
3 the written and spoken English language. Student and faculty input  
4 is required in establishing these policies.

5 (2) provide students with a grievance  
6 procedure regarding an instructor who is not able to write or speak  
7 the English language.

8 ~~(D)(1) Each institution of higher learning must submit its~~  
9 ~~policy or amendments to the Commission on Higher Education~~  
10 ~~within six months from the effective date of this section. Any~~  
11 ~~amendments to the policy must be promptly forwarded to the~~  
12 ~~commission. The commission shall notify the chairmen of the~~  
13 ~~Senate and House Education Committees of those institutions not~~  
14 ~~submitting plans and any amendment to the commission.~~

15 ~~\_\_\_\_\_ (2) Each institution of higher learning must~~  
16 ~~report annually to the Commission on Higher Education and the~~  
17 ~~chairmen of the Senate and House of Representatives Education~~  
18 ~~Committees grievances filed by students under the requirement of~~  
19 ~~subsection (C)(2) and the disposition of those grievances.”~~

20  
21 SECTION 18. Section 59-103-162 of the 1976 Code is  
22 amended to read:

23  
24 “Section 59-103-162. The South Carolina ~~Commission~~  
25 ~~on Higher Education~~ Department of Commerce annually shall  
26 review annually the activities of the South Carolina Manufacturing  
27 Extension Partnership, make a budget recommendation to the  
28 General Assembly, and coordinate the allocation of funds among  
29 each participating institution. The funds appropriated to the  
30 University of South Carolina - Columbia for the South Carolina  
31 Manufacturing Extension Partnership may not be used for any  
32 other purpose. The ~~Commission~~ department also shall review the  
33 membership of the South Carolina Manufacturing Extension  
34 Partnership board to insure appropriate representation of each  
35 participating institution.”

36  
37 SECTION 19. Section 59-103-165 of the 1976 Code is  
38 amended to read:

39  
40 “Section 59-103-165. The Commission on Higher  
41 Education is directed to work with the state’s public institutions of  
42 higher education, and ~~private~~ independent institutions of higher  
43 education which wish to participate, to develop information

1 ~~packages materials for eighth-grade middle school and high school~~  
2 ~~students and their parents or guardians on the options of~~  
3 ~~post-secondary education available in South Carolina, the courses~~  
4 ~~required to attend South Carolina public colleges and universities,~~  
5 ~~and the financial requirements and assistance available for students~~  
6 ~~pursuing additional education after high school.~~

7 ~~During 1991-92, the commission shall develop the~~  
8 ~~information packages, and to the extent that funds are appropriated~~  
9 ~~by the General Assembly, pilot test the program in a number of~~  
10 ~~school districts. The commission shall report to the Senate~~  
11 ~~Education Committee and the Education and Public Works~~  
12 ~~Committee of the House on the pilot testing.”~~

13  
14 SECTION 20. Section 59-103-180 of the 1976 Code is  
15 amended to read:

16  
17 “Section 59-103-180. The State Board of Education, the  
18 State Department of Education, and the state’s public school  
19 districts and schools shall cooperate with the Commission on  
20 Higher Education and the public and independent institutions of  
21 higher education in providing the counseling post-secondary  
22 information materials and shall assist in any manner considered  
23 appropriate by them. The schools shall make special efforts to  
24 ensure that as many students and parents or guardians as possible  
25 are made aware of the opportunity; ~~are urged to attend the sessions,~~  
26 ~~and receive the information to participate in post-secondary~~  
27 education.”

28  
29 SECTION 21. Section 59-104-20 of the 1976 Code, as  
30 last amended by Act 353 of 2008, is further amended to read:

31  
32 “Section 59-104-20. (A) The Palmetto Fellows  
33 Scholarship Program is established to foster scholarship among the  
34 state’s post-secondary students and retain outstanding South  
35 Carolina high school graduates in the State through awards based  
36 on scholarship and achievement. Measures must be taken to ensure  
37 equitable minority participation in this program. Recipients of  
38 these scholarships are designated Palmetto Fellows. Each Palmetto  
39 Fellow shall receive a scholarship in an amount not to exceed six  
40 thousand seven hundred dollars. These scholarships in  
41 combination with all other grants and scholarships shall not exceed  
42 the cost of attendance at the institution attended. The commission  
43 shall promulgate regulations and establish procedures to administer



1 the program and request annual state appropriations for the  
2 program.

3 (B) Students, either new or continuing, must not have  
4 been adjudicated delinquent or been convicted or pled guilty or  
5 nolo contendere to any felonies or any second or subsequent  
6 alcohol or drug-related offenses under the laws of this or any other  
7 state or under the laws of the United States in order to be eligible  
8 for a Palmetto Fellows Scholarship, except that a high school or  
9 college student otherwise qualified who has been adjudicated  
10 delinquent or has been convicted or pled guilty or nolo contendere  
11 to a second or subsequent alcohol or drug-related misdemeanor  
12 offense nevertheless shall be eligible or continue to be eligible for  
13 such scholarships after the expiration of one academic year from  
14 the date of the adjudication, conviction, or plea.

15 ~~(C) Of the funds made available for higher education~~  
16 ~~Palmetto Fellows Scholarships for any year, a percentage thereof~~  
17 ~~must be allocated for students attending South Carolina~~  
18 ~~independent colleges of higher learning in this State. This~~  
19 ~~percentage must be equivalent to the percentage of the independent~~  
20 ~~colleges' share of the total South Carolina resident undergraduate~~  
21 ~~full time enrollment (FTE) of all public and independent higher~~  
22 ~~education institutions in South Carolina based on the previous~~  
23 ~~year's data as determined by the Commission on Higher Education~~  
24 ~~and the South Carolina Tuition Grants Commission.~~

25 ~~(D)~~ After expending funds appropriated for Palmetto  
26 Fellows Scholarships from all other sources, there is automatically  
27 appropriated from the general fund of the State whatever amount is  
28 necessary to provide Palmetto Fellows Scholarships to all persons  
29 meeting the requirements of this section.

30 ~~(E)~~ A Palmetto Fellows Scholarship is available to an  
31 eligible resident student who attends or will attend an eligible  
32 four-year public or independent institution.

33 ~~(F)~~ For purposes of subsection ~~(E)~~:

34 (1) 'Public or independent institution' means  
35 a:

36 (a) South Carolina public institution  
37 defined in Section 59-103-5, excluding a public two-year or  
38 technical institution, and an independent institution as defined in  
39 Section 59-113-50, excluding an eleemosynary junior or  
40 independent two-year institution; or

41 (b) public or independent bachelor's  
42 level institution chartered before 1962 whose major campus and  
43 headquarters are located within South Carolina.

1                   (2)     ‘Resident student’ means a:  
2                   (a)     student who is either a member of  
3 a class graduating from a high school located in this State, a home  
4 school student who has successfully completed a high school home  
5 school program in this State in the manner required by law, or a  
6 student graduating from a preparatory high school outside this  
7 State, while a dependent of a parent or guardian who is a legal  
8 resident of this State and has custody of the dependent; and  
9                   (b)     student classified as a resident of  
10 South Carolina for in-state tuition purposes under Chapter 112 of  
11 this title at the time of enrollment at the institution.  
12           (~~G~~F)(1) In addition to qualifications established by  
13 regulation, to qualify for a Palmetto Fellows Scholarship, a student  
14 shall:  
15                   (~~4~~a)     meet the following three criteria:  
16                   (~~ai~~)     a minimum score of 1200  
17 on the Scholastic Aptitude Test (SAT) or an equivalent ACT score;  
18                   (~~b~~ii)     a cumulative 3.5 grade  
19 point ratio on the Uniform Grading Scale at the end of the junior or  
20 senior year; and  
21                   (~~e~~iii)     rank in the top six percent  
22 of the class at the end of the sophomore, junior, or senior year.  
23 When calculating eligibility for Palmetto Fellows Scholarships in  
24 schools where the top six percent of the graduating class is two  
25 students or less, the top two students must be considered for the  
26 scholarship regardless of class rank. The top six percent of the  
27 graduating class must meet all Palmetto Fellows Scholarship  
28 eligibility requirements in order to receive a scholarship. If the top  
29 six percent of the class is not a whole number of students, the  
30 Commission on Higher Education shall round up to the next whole  
31 number of students eligible; or  
32                   (~~2~~b)     meet the following two criteria:  
33                   (~~a~~i)     a minimum score of 1400  
34 on the Scholastic Aptitude Test (SAT) or an equivalent ACT score;  
35 and  
36                   (~~b~~ii)     a cumulative 4.0 grade  
37 point ratio on the Uniform Grading Scale at the end of the junior or  
38 senior year.  
39           (2)     Qualifying scores must be certified by the  
40 high school on the Palmetto Fellows Scholarship application by  
41 the scholarship application deadline. For the purposes of meeting  
42 the rank criteria pursuant to this subsection, the existing high  
43 school rank of a South Carolina resident attending an out-of-state

1 high school may be used provided it is calculated pursuant to a  
2 state-approved, standardized grading scale at the respective  
3 out-of-state high school. If the Commission on Higher Education  
4 determines that a state-approved standardized grading scale  
5 substantially deviates from the South Carolina Uniform Grading  
6 Scale, the state-approved standardized grading scale shall not be  
7 used to meet the eligibility requirements for the Palmetto Fellows  
8 Scholarship.

9 (HG) Notwithstanding another provision of law, a  
10 student who met the initial eligibility requirements to receive a  
11 Palmetto Fellows Scholarship Award as a senior in high school  
12 and has met the continuing eligibility requirements shall receive  
13 the award. A student who received a Palmetto Fellows Scholarship  
14 Award as a senior in high school but declined the award is eligible  
15 to reapply for the annual scholarship, providing he meets all of the  
16 initial and continuing academic eligibility requirements of the  
17 Palmetto Fellows program, if he transfers to a qualifying South  
18 Carolina institution of higher learning. The number of semesters or  
19 academic years a student attended an out-of-state institution are to  
20 be deducted from the number of semesters or academic years a  
21 student is eligible for the scholarship. All funding provided for  
22 Palmetto Fellows Scholarships regardless of its source or  
23 allocation must be used to implement the provisions of this  
24 subsection.

25 (H) A student may receive a Palmetto Fellows or LIFE  
26 scholarship award during the summer, in addition to fall and spring  
27 semesters of an academic year, provided continued eligibility  
28 requirements are met as of the end of the spring  
29 semester. Students must enroll full-time, which for purposes of the  
30 summer award will require enrollment in at least twelve hours over  
31 the course of the summer. The summer is defined as the period  
32 between the end of the spring term and prior to the opening of the  
33 fall term. The total summer award per student may not exceed half  
34 of the allowable academic year award up to the cost of attendance  
35 and must be reimbursed if less than twelve hours for academic  
36 credit are not attempted by the student during summer sessions. If  
37 awarded in the summer, a student's total award during his or her  
38 enrollment may not exceed the amount that would otherwise be  
39 provided under current semester limits applied for the scholarship  
40 awards. The Commission on Higher Education may provide  
41 additional guidelines necessary to ensure uniform implementation.

42 (I) The Commission on Higher Education shall, by  
43 regulation, define alternative qualifications for an exceptionally

1 gifted student who is a resident of South Carolina and is accepted  
2 into an institution of higher learning without having attended or  
3 graduated from high school.”

4  
5 SECTION 22. Section 59-104-30 of the 1976 Code is  
6 amended to read:

7  
8 “Section 59-104-30. (A) ~~Each public institution of~~  
9 ~~higher learning~~ The technical college system in this State shall  
10 develop a plan for developmental education in accord with  
11 provisions, procedures, and requirements developed by the  
12 Commission on Higher Education.

13 (B) The commission shall:  
14 (1) conduct a study as well as evaluations and  
15 reviews of developmental education in this State. The commission  
16 shall; and  
17 (2) develop appropriate methods of funding  
18 developmental education programs and courses.”

19  
20 SECTION 23. Section 59-105-60 of the 1976 Code is  
21 amended to read:

22  
23 “Section 59-105-60. ~~The Commission on Higher~~  
24 ~~Education shall develop, print, and distribute a model sexual~~  
25 ~~assault policy for institutions of higher learning, which complies~~  
26 ~~with the requirements herein. The model policy shall be distributed~~  
27 ~~to all institutions of higher learning in the State for their use as a~~  
28 ~~reference in formulating their sexual assault policy~~ Each public  
29 institution of higher education shall develop and distribute a sexual  
30 assault policy approved by its board of trustees. The policy, once  
31 approved or modified, must be provided to the Commission on  
32 Higher Education, which shall provide a link on the commission’s  
33 Internet website to the policy as a service to the students, parents,  
34 and guardians.”

35  
36 SECTION 24. Section 59-142-20 of the 1976 Code is  
37 amended to read:

38  
39 “Section 59-142-20. (A) ~~Consistent with this~~  
40 ~~section, the Commissioner of Higher Education shall be~~  
41 ~~responsible for making guidelines available for FY 96-97 and shall~~  
42 ~~promulgate regulations necessary to administer the need-based~~  
43 ~~grants program in accordance with the Administrative Procedures~~

~~Act for years after 1996-97. The need-based grants program must be administered at the campus level.~~

~~Pursuant to Section 59-103-165, the commission shall incorporate information pertaining to the need-based grant program in the information packets concerning post-secondary education for eighth-grade students and their parents or guardians.~~

(B) The commission shall promulgate regulations and establish procedures to administer the program and request annual appropriations for the program.”

SECTION 25. Sections 59-101-150, 59-101-340, 59-103-36, 59-103-50, 509-103-120, 59-103-170, 59-104-40, 59-104-230, 59-104-240, 59-104-250, 59-104-410, 59-104-420, 59-104-430, 59-104-440, 59-104-620, and 59-104-640 of the 1976 Code are repealed.

SECTION 26. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

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